

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6-9, 11, 13-16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalzell et al (2003/0204447), in view of Coffman et al. (2004/0215467 A1).

Re claims 1, 8, and 15, Dalzell et al. disclose a method for reselling items in a network auction/ a data processing system /a computer program product embodied in a tangible storage medium, the program product comprising programming instructions for comprising: generating a suggested minimum bid for a previously-auctioned item; sending the existing item description, (*see e.g. paragraph 0021 –the system may send an email message or a custom page to the user describing the item*), suggested minimum bid (*see e.g. Dalzell et al. paragraph 0071 – suggesting a suitable selling or asking price*) and suggested auction duration to a winning bidder and querying said winning bidder to resell the previously-auctioned item (*see e.g. paragraph 0021- the marketplace system may proactively remind users of their prior purchases and of the option to re-sell the purchased items*); reposting the previously-auctioned item for a new auction; (*see e.g. Dalzell et al. paragraph 0021-selection of the link may cause the item to be listed immediately*) and notifying previously unsuccessful bidders that the

previously-auctioned item is reposted (*see e.g. claim 1, notifying the second user of the product listing created by the first user*).

Dalzell et al. do not explicitly disclose suggested auction duration for a previously-auctioned item.

However, Coffman et al. disclose suggested auction duration (*see e.g. paragraph 0159 - an auction duration field 1514 with the default set at, for example, 3 hours*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Dalzell et al. and include the limitation of a suggested auction duration, in order to include control and organization into the auction process.

Re claims 2, 9, and 16, Dalzell et al. disclose a method/program comprising generating said suggested minimum bid using historical bids from a previous auction of said previously-auctioned item (*see e.g. Dalzell et al., paragraph 0023 - suggesting prices determined from the user's purchase history in the case of a re-sell item*). Or Snap et al. paragraph 0066.

Re claims 4, 11, and 18, Dalzell et al. disclose a method comprising receiving a Web form from the successful bidder; and retrieving any modified pre-populated data from the Web form, wherein the previously-auctioned item is reposted using the modified data (*see e.g. Dalzell et al. paragraphs 0096-0098 - a sequence of web pages*

330, 335, 340 that may be used to create a marketplace product listing - see also figures 3C-3E).

Re claims 6, 13, and 20, Dalzell et al. disclose a method comprising resetting said minimum bid price in response to an affirmative reply from said winning bidder (see e.g. paragraph 0071 – a seller may use the suggested price to select a minimum price at which bids are to be accepted)

Re claims 7, and 14 Dalzell et al. disclose a method said suggested minimum bid is generated using an extrapolation from previous bidding activity (see e.g. paragraph 0106 – The suggested prices for an item may be generated by the system based on such criteria as historical prices paid for the item within the marketplace).

3. Claims 3, 5, 10, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalzell et al (2003/0204447), in view of Coffman et al. (2004/0215467 A1), in further view of Official Notice.

Re claims 3, 5, 10, 12, 17, and 19, Dalzell et al. do not explicitly disclose a method/program comprising: if no bids are received in the new auction, generating a new suggested minimum bid; and sending the new suggested minimum bid to seller, and also if the winning bidder declines to resell, inviting the winning bidder to repost said previously-auctioned item after a predetermined time interval.

However, The Examiner takes Official Notice that it is common the art to generate new minimum bid when there are no offers. For example, Lin (2004/0054615) offers a method/program of dynamically lowering bid price through network when bidding activities are low. A common marketing strategy used is to be persistent and keep contact with potential clients hoping that they will eventually agree to buy or sell.

Therefore, it would have been obvious to a person of ordinary skills in the art, at the time of the invention, to modify Dalzell et al., in view of Coffman et al, and include the steps cited in claims 3 and 5, in order to attract customers and simply make the sale.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snap et al. (2003/02333246 A1), Hamada (2001/0056394 A1), Lammle et al. (2004/0117293 A1), Fisher et al.(5,835,896), Woolston (5,845,265), Woolston (6,202,051 B1), Woolston(6,266,651 B1), Lin (2004/0054615 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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